

DURHAM, NORTH CAROLINA  
THURSDAY, JUNE 28, 2001  
8:30 A.M.

Pursuant to the proper notification, the Durham City Council held a special meeting on the above date and time in the Committee Room at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Absent: Council Members Edwards and Wagstaff.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder and City Clerk D. Ann Gray.

Mayor Tennyson called the special meeting to order requesting that a closed session be held on personnel matters.

Also, City Attorney Blinder requested that a closed session be held to brief council on two matters regarding pending litigation [Durham Video and News vs. the Durham Board of Adjustment and Summers vs. City of Charlotte].

The Mayor informed the Council that he would not be able to attend the meeting in its entirety.

**SUBJECT: CLOSED SESSION**

**MOTION** by Council Member Larson seconded by Council Member Stith to go into closed session to discuss personnel matters was approved at 8:35 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: None. Absent: Council Members Edwards and Wagstaff.

**MOTION** by Council Member Larson seconded by Council Member Stith to go into closed session after the special city council meeting to discuss pending litigation [Durham Video vs. Durham Board of Adjustment and Summers vs. City of Charlotte] was approved at 8:35 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: None. Absent: Council Members Edwards and Wagstaff.

[Open Session – 8:40 a.m.]

Mayor Tennyson noted the purpose of the meeting is to have discussion on what the priorities are for the new City Manager.

At this time, the Mayor recognized City Manager Conner for priority items:

City Manager Conner informed the Council that the County has asked the City to participate in a sales tax audit. She noted the County will hire an audit/firm to audit the state sales tax process.

The Mayor asked the Manager to provide the Council with a clear and concise statement on how the sales tax distribution is handled.

City Manager Conner requested that the Mayor be authorized to send a letter to FEMA and North Carolina Emergency and Disaster Relief to assist in receiving approximately \$664,000 in FEMA reimbursements from the State which is due the City.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the Mayor to send a letter to FEMA and North Carolina Emergency and Disaster Relief concerning reimbursement due to the City was approved at 8:55 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: None. Absent: Council Members Edwards and Wagstaff.

City Manager Conner distributed information to Council regarding a notice of delay from Carolina BroadBand. [See memo dated June 27, 2001]. Also, she informed the Council that Time Warner has provided notice referencing a number of significant cable television service changes effective July 31, 2001.

City Manager Conner noted that the City Council recently authorized the City Manager to enter into a three party agreement with Durham County and the firm of Duncan and Associates to prepare a UDO for the City and County. She noted several technical changes have been made to the contract since that time. [See memo dated June 27, 2001].

Nick Curtis, of the Budget Department, provided Council with a Budget Ordinance Amendment #1 to carryout the recommendation regarding the Three Party Agreement [Unified Development Ordinance].

Vincent Taylor, of the Budget Department, noted the budget ordinance would amend the general fund in the Planning Department's budget by \$100,000 and the funds were earmarked in FY 01 and available to be carried forward. Also, he stated the contract was approved previously and the funds were frozen during the year and therefore the contract was not executed.

The Mayor stated that the approval is for the budget ordinance amendment to reflect the fact that the \$100,000 could not be encumbered from this budget year.

**MOTION** by Council Member Larson seconded by Council Member Langley to adopt an ordinance amending the 2001-2002 City of Durham Budget Ordinance, The Same Being Ordinance 12336 was approved at 9:00 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek,

Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: None. Absent: Council Members Edwards and Wagstaff.

### **Ordinance #12338**

Nick Curtis stated the Planning Department needed approval from Council to allow them to change the contract.

Relative to the Three Party Agreement, City Manager Conner stated she would like to have timeframes/schedule as a part of the deliverables.

Mayor Tennyson stated the Council could receive a report from the Manager at a later date as to the timeframes she negotiates.

Council Member Larson stated he thought the original motion [adopting the contract at a previous meeting] would allow changes that do not change the price.

The Mayor noted the Manager is allowed to make amendments to the contract as long as the contact amount is not increased.

### **SUBJECT: PRIORITIES FOR THE CITY MANAGER**

The Mayor made comments noting that he hoped and expects the Manager would be prepared to have analyzed and set in place ways to improve systems of accountability. Also, he spoke in support of staff training.

City Manager Conner briefed council on the following items/priorities [long term and short term] she became aware of within the last couple of weeks.

Long-Range Plan (Smart Growth in terms of the CIP)  
Maintaining & Upgrading Public Facilities  
Improving Infrastructure  
Code Enforcement (housing stock)  
Crime and Safety  
Gang Initiative  
Economic Development (NECD)  
Downtown Development (Parrish Street)  
Improving Collaboration with the County and Schools  
Water/Sewer Evaluation for the County  
Managed Competition/Privatization/Gain Sharing Review  
Tax Collection Rate Issue  
Implementing the Pay for Performance  
Review of the Risk Retention Fund and reviewing the recommendations  
Streamlining Housing Enforcement  
Park Equipment Replacement  
Public Information Campaign

The following items were noted as priorities from the Council for the City Manager:

- a. Triangle Wastewater Treatment Plant (County)

**MOTION** by Council Member Blyth seconded by Council Member Larson to authorize the City Manager to send a letter, on behalf of the Council, to the Chair of the County Commissioners, inviting the County to discuss the Triangle Wastewater Treatment Plant currently operated by the County was approved at 9:28 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: None. Absent: Council Members Edwards and Wagstaff.

- b. Timeframe for Comprehensive Growth Management Strategies
- c. Adequate Public Facilities Ordinance
- d. Economic Development Strategies within Inner City of Durham
- e. Inner City Development for Downtown
- f. More Emphasis on Planning Aspect (small area plans updated)
- g. How other functions within City & County can be merged
- h. Non-City Agencies Funding (manager bring back recommendation)
- i. Staff present projections on anticipated/recommended annexations with cost benefit analysis
- j. Downtown Fund (specific plan on how money will be spent)
- k. Housing Code Enforcement (concerns with boarded up houses)
- l. Performance Base Pay Plan
- m. Review of Small Area Plans
- n. Focusing on CORE Services
- o. Maintenance of Streets (relationship with state)
- p. Pay for Performance Plan
- q. Evaluate employees perception of how pay system can work better
- r. Process for amendments for rezoning items (Council should know exactly what is being voted on)
- s. Connectivity of Neighborhoods
- t. Customers being under-billed for water
- u. County Fire Department Being Operated by the City of Durham
- v. Finalization of the MWBE Ordinance (Diversity efforts overall)

By memo, Mayor Pro Tempore Clement and Council Members Hill, Langley and Stith provided additional items/priorities for the City Manager.

#### **[Other Matters]**

#### **SUBJECT: REDUCTION IN FORCE (RIFS)**

Council Member Larson stated it has been expressed that the Council should not be in the business of controlling RIFS and this should be left to the manager.

City Attorney Blinder noted that the actual formal elimination of a position(s) is something the Council would do which would come through the budget.

**MOTION** by Council Member Larson seconded by Council Member Hill that Reduction In Force (RIFS) will be the authority of the City Manager and such Reduction In Force should be undertaken with sensitivity and efforts made to place or provide outplacement opportunities for the affected person(s) was approved at 10:27 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Council Member Burnette. Absent: Council Members Edwards and Wagstaff.

At this time, the meeting was adjourned into closed session.

[Open Session 11:05 a.m.]

City Attorney Blinder stated that Council authorized the City Attorney to file an amicus (friend of the court) brief concerning Summers et. al. vs. City of Charlotte.

There being no further business to come before the Council, the meeting was adjourned at 11:05 a.m.

D. Ann Gray, CMC  
City Clerk